IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:14CR95
Plaintiff,))
vs.	ORDER
RUBY A. VENDITTE and JOHN W. WAGSTAFFE,	
Defendants.	{

This matter is before the court on the motion to continue by defendant John W. Wagstaffe (Wagstaffe) (Filing No. 67). Wagstaffe seeks a continuance of the trial scheduled for June 22, 2015. Wagstaffe's counsel represents Wagstaffe will file affidavit in accordance with paragraph 9 of the progression order whereby Wagstaffe consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Wagstaffe's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **Trial will be continued as to both defendants.**

IT IS ORDERED:

- 1. Wagstaffe's motion to continue trial (Filing No. 67) is granted.
- 2. Trial of this matter **as to both defendants** is re-scheduled for **August 31, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 5**, **2015**, **and August 31**, **2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 5th day of June, 2015.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge